

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
	)	
UNITED STATES OF AMERICA	)	
	)	
v.	)	No. 16-CR-10094-LTS
	)	
ROSS MCLELLAN,	)	
Defendant	)	
_____	)	

**DEFENDANT ROSS MCLELLAN'S PROPOSED JURY VOIR DIRE**

Now comes the Defendant, Ross McLellan, by and through undersigned counsel, and, pursuant to Rule 24(a) of the Federal Rules of Criminal Procedure, hereby requests that the Court include the following questions in its examination of prospective jurors.

**Knowledge of the Case and Media Coverage**

1. Have you heard, read, or seen anything from newspapers, television, radio, the internet, friends, family, or any other source regarding Ross McLellan, the charges against him, or this case?
2. Have you heard, read, or seen anything from newspapers, television, radio, the internet, friends, family, or any other source regarding other securities fraud cases or trials, including cases or trials involving State Street?
3. Do you read any financial periodicals, such as Barron's, the Wall Street Journal, the financial sections of any newspapers, or any financial blogs?
4. If you are selected as a juror, you will not be permitted to read or listen to any news about this case. You won't be allowed to do any internet research concerning it. You will only be allowed to consider information that you hear in this courtroom as evidence. You won't

be allowed to write about your participation as a juror on any internet site or blog. You won't be able to discuss what you are doing, with whom you are doing it, or the events that occur during the course of the trial. This is very important. We live in a connected world, but this is a matter for which you need to focus solely on what's happening in the courtroom. Does anyone believe that they would have difficulties complying with this extremely important instruction?

**Knowledge of the Parties**

5. The government is represented here by the United States Attorney's Office for the District of Massachusetts. Mr. Andrew Lelling is the United States Attorney. Assistant United States Attorney Stephen Frank and Department of Justice Trial Attorney William Johnston will try the case for the government. They will be assisted by Special Agent Garrett Trombly of the FBI. At times, the government will also be assisted by \_\_\_\_\_, who are legal assistants in the U.S. Attorney's Office. Mr. McLellan will be represented by his attorneys Martin G. Weinberg and Robert M. Goldstein, who will be assisted by attorneys Max Nemtsev and Michael Pabian.

6. Do you, a family member, or any close friend know any of these individuals?

7. Have you, or has anyone you know, had any dealings with any of these individuals or with the United States Attorney's Office here in the District of Massachusetts?

8. Do you, a family member, or any close friend have any associations or employment with the United States Attorney's Office?

9. Do you, a family member, or any close friend have any associations or employment with any law enforcement agency, federal, state, or local?

10. Do you or anyone you know have any associations or employment with the FBI, the Securities and Exchange Commission ("SEC"), the Commodity Futures Trading Commission

(“CFTC”), the Financial Industry Regulatory Authority (“FINRA”), the National Association of Securities Dealers (“NASD”) or the New York Stock Exchange?

11. As I mentioned at the outset, the defendant is Mr. Ross McLellan. Do you, a family member, or any close friend know or have any dealings with Mr. McLellan?

**Experience with and Views about Securities Industry**

12. Have you, a family member, or a close friend ever worked for a securities brokerage firm, mutual fund company, hedge fund, investment manager, investment advisor, securities trader, investment analyst, investment bank, stock promoter, or any other financial institution involved in the buying or selling of securities?

13. Are you a customer of a credit union? If so, is that the primary financial institution that you use?

14. Have you ever invested in securities (e.g., stocks or bonds)? If so, do you make your own investment decisions, as opposed to relying on a broker or financial advisor?

15. Are you familiar with the rules and regulations related to securities trading?

16. If you would prefer not to give your answer to any of the next three questions, or any others, in open court, please say so. I will allow you to approach the bench and answer privately. Have you suffered significant financial losses due to the 2008-2009 economic crisis? If so, will that experience impact your ability to be a fair and impartial juror in this case?

17. Have you or anyone in your family ever had a dispute with a bank or investment firm? If so, will that experience impact your ability to be a fair and impartial juror in this case?

18. Is there anything else about your experience as an investor or your views of the securities markets that might affect your ability to be fair and impartial in this case?

19. Do you have any strong opinions, thoughts, or feelings about State Street, large banks, large bank executives, or Wall Street and the securities industry?

20. Would the fact that the defendant in this case is a former executive at a large bank affect your ability to be fair and impartial?

**Views About the Government and Lawyers**

21. Would you tend to give the government's witness testimony or evidence more weight than the defendant's evidence on the same subject because the testimony is presented by the government?

22. Do you think the government does enough to prosecute white-collar crime?

**Experience with and View of the Criminal Justice System**

23. Do you believe that simply because the defendant has been charged with a crime that it is likely he did something wrong? If yes, are you confident in your ability to follow an instruction that it is a fundamental principle of our criminal justice system that the defendant must be presumed innocent unless and until the prosecution proves him guilty beyond a reasonable doubt?

24. Does anyone think they would have difficulty applying the rule of law that the government is entitled to no special consideration simply because the case is brought in the name of the United States?

25. A defendant in a criminal case has the right not to testify. The fact that a defendant chooses not to testify may not enter into the jury's deliberation at all. Would you have difficulty accepting and applying this legal principle?

26. If, after hearing all the evidence and my instructions on the law, you found that the government had not proven its case beyond a reasonable doubt, would you feel uncomfortable finding the defendant not guilty?

27. The defendant in this case is charged with securities fraud. As I will explain at the end of the trial, in this context, even if you conclude a false statement was made to a client by a bank, the prosecution would further be required to prove that the statement was material or important and that it was made by or attributable to Mr. McLellan. Will you be able to follow an instruction that false or misleading statements must be material to support a conviction?

28. Do you believe that our system of criminal justice improperly favors either the prosecution or the defense?

29. Do you believe that our system of criminal justice improperly favors individuals charged with white-collar crimes?

30. Have you, or a relative or close friend, ever been charged with a crime, including a violation of securities laws? If so, is there anything about that experience that would prevent you from acting as a fair and impartial juror in this case? If you would prefer not to give your answer in open court, please say so.

**Victim of a Crime**

31. Have you, any family member, or any close friend ever been the victim of a crime, pressed criminal charges against someone, or tried to press criminal charges against someone? If yes, please describe the circumstances, including the type of crime, when it happened, and the outcome of any law enforcement action. Is there anything about that experience that could affect your ability to be fair and impartial in this case? If you feel uncomfortable answering these questions in open court, please say so.

**Prior Jury Service**

32. Have you ever served as a juror before in any type of case?

33. If so, please state whether each case was in state or federal court, whether it was a civil or criminal matter, and, without telling us what the verdict was, whether a verdict was reached.

34. Have you served as a grand juror? If you have done so, please indicate where and when you served, and describe, in general terms, the kinds of cases you heard.

35. For those of you who have described prior jury service, is there anything about your prior experience as a juror that would prevent you from acting as a fair and impartial juror in this case?

Respectfully submitted,  
Ross McLellan  
By His Attorney,

**/s/ Martin G. Weinberg**  
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Dated: May 21, 2018

**CERTIFICATE OF SERVICE**

I, Martin G. Weinberg, hereby certify that on this date, May 21, 2018, a copy of the foregoing document has been served via Electronic Court Filing system on all registered participants.

**/s/ Martin G. Weinberg**  
Martin G. Weinberg